

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action No. 1:17-cv-00854-TDS-LPA

REBECCA KOVALICH and SUZANNE )  
NAGELSKI, )  
  )  
Plaintiffs, )  
v. )  
  )  
PREFERRED PAIN MANAGEMENT & )  
SPINE CARE, P.A., DR. DAVID SPIVEY, )  
individually, and SHERRY SPIVEY, )  
individually. )  
  )  
Defendants. )

**Exhibit 43**

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**From:** Sue Nagelski [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DAD747596710463B89B3076B77672D4A-SNAGELSKI]  
**Sent:** Sunday, March 15, 2015 4:41:27 PM  
**To:** Sherry Spivey  
**CC:** David Spivey  
**Subject:** Re: Time Cards and PTO  
**Follow Up** Follow up  
**Flag:**  
**Flag Status:** Flagged

It actually isn't irrelevant. I am not trying to be standoffish. I am stating a fact since this issue falls under the wage & hourly laws. Consistency is essential. Being inconsistent under the circumstances you have described creates company exposure. Since we don't seem to be agreeing on this issue -

[REDACTED] Sue Nagelski>On Mar 15, 2015, at 11:13 AM, Sherry Spivey <sspivey@preferredpainmanagement.com>wrote:>>Irrelevent.>>----Original Message---->From: Sue Nagelski >Sent: Saturday, March 14, 2015 9:24 PM>To: Sherry Spivey>Subject: Re: Time Cards and PTO>>Alas- [REDACTED] works 5 days per week. >>Sue Nagelski>>>On Mar 14, 2015, at 8:37 PM, Sherry Spivey <sspivey@preferredpainmanagement.com>wrote:>>>[REDACTED], because of late patents.>>That is why [REDACTED] staggers a day of 0900-1800, in order to have a check out person.>>>Sherry>>>----Original Message---->>>From: Sue Nagelski >>Sent: Saturday, March 14, 2015 2:17 PM>>To: Sherry Spivey>>Cc: David Spivey>>Subject: Re: Time Cards and PTO>>>[REDACTED]

[REDACTED] >>>Limiting her work week without consequences creates a discriminatory environment and can instigate animosity amongst those who have far more seniority and are required to work 5 days/wk>>>Sue Nagelski>>Preferred Pain Management & Spine Care PA>>2912 Maplewood Ave>>Winston-Salem, NC 27103>>(336) 760-0706 (main)>>(336) 354-4422 (direct)>>(704) 453-1316 (mobile)>>>>On Mar 14, 2015, at 1:06 PM, Sherry Spivey <sspivey@preferredpainmanagement.com>wrote:>>>>Thank you for sending the attachments for PTO.>>>>So that you will be properly informed, I am going to be making some clinic staffing changes.>>>We are currently using a temp on a CNA salary. I was able to negotiate a bit of a lower rate for her, as she is going to be sitting her RN boards 3/26/15. >>>She has excellent assessment and judgement skills, along with the ability to implement them appropriately and quickly.>>>She can work in GSO or WS offices. She gets along well with the current staff and is respected and liked.>>>It will allow me to focus on other areas of need to improve efficiency.>>>>>I have offered her nothing, not salary range, etc. Only a tentative conversation to confirm her interest.>>>>>There are major problems in GSO, [REDACTED]

[REDACTED] >>>By staggering her hours to a half hour earlier, we can expect last minute review of the day's schedule, and organize any anticipated changes or needs.>>>She has the capability of doing so without distractions at that time of morning.>>>>>Sherry>>>>>>----Original Message---->>>From: Sue Nagelski >>>Sent: Friday, March 13, 2015 4:26 PM>>>To: Sherry Spivey>>>Subject: Time Cards and PTO>>>>>>>attached>>>>>Sue Nagelski>>>Preferred Pain Management & Spine Care , PA>>>2912 Maplewood Avenue>>>Winston-Salem, NC 27103>>>336.760.0706 (x1277)>>>336.354.4422 (direct)>>>704.453.1316 (mobile)>>>www.preferredpainmanagement.com>>>>>CONFIDENTIALITY NOTICE: The

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